

Remarks/Arguments

Claims 1 and 8-17 are pending in the application. Reconsideration and reexamination are requested. Claims 10 and 12-16 have been cancelled.

A telephone interview with the Examiner was carried out on April 28, 2009 regarding the rejection of the claims, the content of which is detailed below.

As an initial matter, claims 14 and 15 were objected to under 37 CFR 1.75(c) on the grounds that they failed to limit the subject matter of a previous claim. Claims 14 and 15 have been cancelled.

Claim 1 has been rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement. The Office Action indicated that the limitation “consisting of” a body portion and an end piece was not supported in the specification, which is said to be drawn to a body portion and two end pieces. Claim 1 has been amended to recite “first and second end pieces each including a raised ridge section and.....” Support may be found at paragraph [0019] of the published U.S. application which recites in part “[p]referably, the animal chew first and second end piece and said first and second end of said body portion include at least one cooperating hole....” Accordingly, no new matter has been entered and it is believed that the outstanding rejection has been rendered moot.

Claim 1 has also been amended to recite that the core is at least partially covered by the outer elastomeric layer. Support can be found in the specification as well as claim 10 (cancelled). In addition, claim 1 has been amended to incorporate the option that the body portion or one of said end pieces may include protrusions. Support can be found in cancelled claim 12.

Claims 8, 9 and 15 were been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite as they recited “first and second end pieces” which did not have positive antecedent basis. The amendment to claim 1 herein now provides positive antecedent basis for first and second end pieces in claims 8 and 9. Claim 15 has been cancelled.

Claim 17 has been indicated as being indefinite for failing to provide a narrower range or limitation. Claim 17 recites “The animal chew of claim 1 wherein the *entirety of said body*

portion including said outer layer is made of an elastomer material". Accordingly, claim 17 requires that the entire body portion is elastomeric. On the other hand, claim 1 recites "a body portion including *an outer layer of elastomeric material* having a first hardness on the Shore A scale of about 40A to 90A selected from the group consisting of natural rubber, polyurethane rubber, and thermoplastic elastomer, *and a rigid supporting core...*" (Emphasis added). Accordingly, claim 1 more broadly recites that the outer layer is elastomeric, where the core may be sourced from other materials, whereas claim 17 is narrower and requires that the entire body portion be elastomeric.

Finally, at page 4, item 9 of the Office Action indicates that claims 8-17 are indefinite on the grounds that they introduce additional elements to a claim that includes the closed ended recitation of "consisting of". Reference is made to MPEP 2111.03 which recites "A claim which depends from a claim which "consists of" the recited elements or steps cannot add an element or step." (Emphasis added.)

It is submitted that claims 8, 9, 11 and 17 do not add an element or step to independent claim 1, but in each case further limit claim 1.

Claim 8 recites that the end pieces specifically comprise a thermoplastic. Claim 1 only recites that the end pieces may be any material that has a Shore D hardness between 50D to 90D.

Claim 9 recites that the end pieces of claim 8 are limited to nylon.

Claim 11 recites that the core may be nylon, a further limitation.

Claims 12-16 have been cancelled.

Claim 17 is discussed above as further limiting claim 1 and does not add an element or step.

Having dealt with all the objections raised by the Examiner, it is respectfully submitted that the present application, as amended, is in condition for allowance. Thus, early allowance is earnestly solicited.

If the Examiner desires personal contact for further disposition of this case, the Examiner is invited to call the undersigned Attorney at 603.668.6560.

Appln. No. 10/643,168
Amndt. F as filed with RCE dated Jul. 1, 2009
Reply to Final Office Action of Apr. 1, 2009

In the event there are any fees due, please charge them to our Deposit Account No. 50-2121.

Respectfully submitted,

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